

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:**       Municipal Clerk

**AGENDA DATE:**     February 15, 2005

**CONTACT PERSON/PHONE:**       Richarda Duffy Momsen / 915-541-4127

**DISTRICT(S) AFFECTED:** All Districts

**SUBJECT:**

**APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Authorize the Mayor to sign an Interlocal Governmental Agreement with El Paso Independent School District to share the cost of the May 7, 2005 General Election.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

Instead of bearing the whole cost, we share the cost by combining our elections.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

Yes – in previous election years where the El Paso Independent School District and City elections coincide on the same uniform election date.

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?**

No cost to the City; rather the City pays a prorated share of the May 7, 2005 election costs.

**BOARD / COMMISSION ACTION:**

**Enter appropriate comments or N/A**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**

(Example:     if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and El Paso Independent School District to allow for a joint election on May 7, 2005 for the purpose of sharing the costs.

APPROVED this 15<sup>th</sup> day of February, 2005.

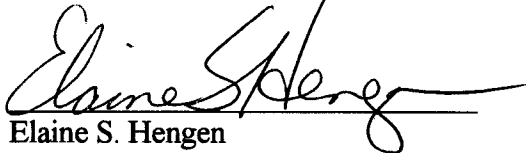
CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elaine S. Hengen  
Assistant City Attorney

STATE OF TEXAS           §  
                                  §       Interlocal Governmental Agreement  
COUNTY OF EL PASO    §

This Agreement is entered into by and between the City of El Paso ("City"), a municipal corporation situated in El Paso County, Texas, and El Paso Independent School District ("EPISD"), a Texas Independent School District situated in El Paso County, Texas, pursuant to the Interlocal Cooperation Act, Art. 791.001 et seq., Texas Government Code.

**W I T N E S S E T H**

WHEREAS, the City and EPISD, desire to hold a joint election on May 7, 2005, for the purpose of sharing the costs of election;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1.     ARTICLE I - PURPOSE. The purpose of this Agreement is to allow the City of El Paso and EPISD to hold a joint election on May 7, 2005, pursuant to Chapter 271 of the Texas Election Code.
2.     ARTICLE II - TERM. The term of this Agreement is to commence on April 15, 2005 and to end May 15, 2005.
3.     ARTICLE III - LOCATION OF COMMON POLLING PLACES. The voters of particular election precincts may be served in this joint election by a common polling place located outside the boundary of the election precinct, inasmuch as the parties hereto have determined that the locations of such polling places, as recommended by the County Elections Administrator, will adequately and conveniently serve the affected voters, and will facilitate the orderly conduct of the election, pursuant to Section 271.003 of the Texas Election Code.
4.     ARTICLE IV - ALLOCATION OF EXPENSES. The City of El Paso and the El Paso Independent School District agree to provide to the County Election Department their respective

costs as determined by the Elections Department pursuant to their respective agreements with the Election Department for the May 7 election, pursuant to Section 271.004 of the Texas Election Code. Because the EPISD will not hold a runoff election, it shall bear no part of the costs of any runoff election. If either party cancels an election because a candidate is unopposed, then its share of the costs shall be adjusted accordingly.

5.     ARTICLE V - EARLY VOTING. The parties hereto agree to conduct their early voting for the May 7 election jointly, pursuant to Section 271.006 of the Texas Election Code.

6.     ARTICLE VI - AMENDMENTS. This Agreement may be amended by mutual agreement of the parties hereto in writing to be attached to and incorporated into this Agreement.

7.     ARTICLE VII - LEGAL CONSTRUCTIONS. In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8.     ARTICLE VIII - ENTIRE AGREEMENT. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

EXECUTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2005.

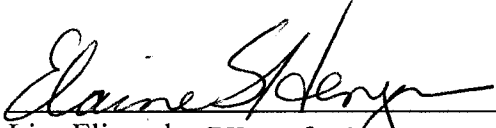
THE CITY OF EL PASO

\_\_\_\_\_  
JOSEPH WARDY, Mayor

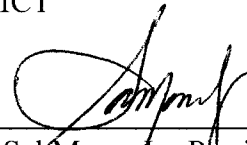
ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lisa Elizondo BY: Elaine S. Hengen  
City Attorney Assistant City Attorney


THE EL PASO INDEPENDENT SCHOOL  
DISTRICT

By:   
\_\_\_\_\_  
Sal Mena, Jr., President  
Board of Trustees

ATTEST:

  
\_\_\_\_\_  
Carlos Cordova, Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
S. Anthony Safi 1-25-05  
Attorney for EPISD